

Conference Emails Requested by Defendants' Counsel

From: Brock Akers
To: Sabrina R. Tour; James Bopp Jr
Cc: Douglas A. Daniels; Kasia Olkowski; Jacobs, Ronald M.; Sara Bean; Climo, Christopher J.
Subject: Re: Eshelman - Motion for Leave and Application for TRO/PI
Date: Monday, January 11, 2021 9:48:57 AM
Attachments: image001.png|521.png
image002.png
image003.png
image004.png
image005.png
image006.png
image007.png
image008.png

CAUTION: EXTERNAL EMAIL

Ms Tour:

In response to your email of late Saturday afternoon, I offer these comments on behalf of True the Vote, Catherine Engelbrecht individually, OPSEC and Gregg Phillips individually:

- 1 We believe all of the financial materials that were produced and marked confidential are indeed confidential and subject to the Court's now entered protective order
- 2 Certainly account numbers and even the identity of the banking institutions used by True the Vote are confidential matters. The account balances are most certainly confidential
- 3 The payments made are confidential. That includes the monthly salary of Ms. Engelbrecht, expenses incurred with her attorneys, and expenses incurred with the data purchases and those made for whistleblower operations. Those opposing True the Vote in the efforts relating to voter integrity, and the lawsuits filed by the Stacey Abrams group, led by those most interested in obscuring the meaning of the results of the incredible work of True the Vote, the Democrats' chief lawyer Mark Elias, might benefit from this information they are not entitled to have. If we had expected to see these things come back in public filings we would not have agreed to the discovery so readily. It is the reason we sought the protective order in the first place.
- 4 The True the Vote list of disbursements, for the reasons mentioned above, are confidential
- 5 The bank account information is confidential, of course
- 6 The OPSEC invoices are confidential for the reasons mentioned above
- 7 The proposed order should not reflect bank account information in any way as they are confidential
- 8 The payments you describe are confidential, for the reasons mentioned above
- 9 We do not agree to freeze the bank accounts
- 10 We do not agree to the Temporary Restraining Order in any way

We do not understand why there is any question at all about the confidentiality of these matters, or what reason other than the thrill of additional negative publicity for True the Vote that is gained by this. The publicity is of course not a reason to disclose these matters. If there is something else that I do not understand as to the reason to exclude these matters, I will be anxious to learn them so I might comment. Thank you

BROCK C. AKERS
ATTORNEY AT LAW

THE CLOCKTOWER BUILDING, 3401 ALLEN PARKWAY.
SUITE 101 HOUSTON, TX 77019
T: 713-877-2500 / 713-552-0232 | M: 713-823-9595 | F: 1-713-583-8662
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From: Sabrina R. Tour <sabrina@dtlawyers.com>
Date: Saturday, January 9, 2021 at 4:24 PM
To: Brock Akers <bc@akersfirm.com>, James Bopp Jr <jboppjr@aol.com>
Cc: Douglas A. Daniels <doug.daniels@dtlawyers.com>, Kasia Olkowski <kasia@dtlawyers.com>, Jacobs, Ronald M. <RMJacobs@Venable.com>, Sara Bean <sara@dtlawyers.com>, Climo, Christopher J. <CJ.Climo@Venable.com>
Subject: Eshelman - Motion for Leave and Application for TRO/PI

Brock and Jim,

According to the Court's recent Order, we are re-filing our (A) Motion to Seal and (B) Application for TRO/PI. In order to satisfy our meet and confer obligation, I am contacting you here.

- 1 **Motion for Leave to File Under Seal:** We are including in our Motion for Leave the below 3 categories of documents for the court to seal/redact. For **each** category (or subcategory) please let me know your position as to our requesting these be redacted/sealed
 - a **Application for TRO/PI:**
 - i. We are revising from yesterday's version to delete the bank account numbers and wire SRF numbers. But, there is a reference to TTV's bank account balance of \$ [REDACTED] as of 12/28. We think this may be confidential, and want to ask you your position, Brock, since this was derived from TTV's Wells Fargo documents that were marked as confidential. We intend to ask the Court to allow a redacted version blacking out the \$ [REDACTED] amount to be filed on the public record, with the unredacted version sealed.
 - ii. We do not believe the fact that there was \$30,000 payment, \$500,000 payment, and \$750,000 payment is confidential information, so we will not be asking for these amounts to be redacted
 - b **Exhibits using documents TTV marked as confidential:** Four of our exhibits are marked as Confidential by TTV
 - i. TTV001 – TTV's Partial List of Disbursements
 1. Brock, it is our position this is **not** confidential as there are no account numbers or SSNs or anything that like that. But TTV marked this document as confidential. As we do not find any reason for these to be confidential, we will make note of same in our Motion to Seal, but we will inform the court of whether you'd still like for this document to be sealed since this is your documents. Please let me know
 - ii. TTV's Wells Fargo Account Records
 1. We believe these are confidential given that they include account numbers. Please let me know if you are in agreement
 - iii. Two invoices from OPSEC to TTV (p. TTV 0058, 0060)
 1. Brock - It is our position that these are **not** properly marked as confidential as they don't include identifying bank account numbers. But TTV marked these as confidential. As we do not find any reason for these to be confidential, we will make note of same in our motion, but we will inform the court of

whether you'd still like for these to be sealed since these are your documents. Please let me know.

b. The Proposed Order on the Application for TRO/PI

- i. This includes bank account numbers, SRF numbers and other such wire numbers. We believe this information is confidential. We would like your input as well (as the account numbers and wire numbers are derived from TTV's WF documents marked as confidential and may be identifying or lead to a risk of identity theft)
- ii. We do not believe the fact that there are \$500,000, \$30,000, and \$750,000 amounts referenced in the Order is confidential information, so we will not be asking for this information to be redacted

2. The Application for TRO/PI

- a. As you saw yesterday, we are filing an Application for TRO and PI to enjoin the Defendants from using the portion of the Eshelman Funds they've received, and to freeze the bank accounts for the amounts of the Eshelman Funds they have received. For certificate of conference purposes, please let me know if you are in agreement with our Application for TRO/PI

Thank you for your cooperation.

Regards,
Sabrina



Sabrina R. Tour
Associate | Daniels & Tredennick PLLC
6363 Woodway Dr., Suite 700, Houston, Texas 77057
P: 713.917.0024 | D: 713.275.9159

Attorneys licensed in TX, AR, CA, CO, OK, MO, NE, NY



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From: [Sabrina R. Tour](#)
To: [Douglas A. Daniels](#); [Melena Siebert](#); [James Bopp Jr](#)
Cc: [bca@akersfirm.com](#); [Kasia Olkowski](#); [RMJacobs@venable.com](#); [Sara Bean](#); [cjclimo@venable.com](#); [Courtney Milbank](#); [Jeffrey Gallant](#); [Rob Citak](#)
Subject: RE: Eshelman - Motion for Leave and Application for TRO/PI
Date: Monday, January 11, 2021 9:49:24 AM
Attachments: [image022.png](#)
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[image147628.png](#)
[image613657.png](#)
[image057642.png](#)
[Eshelman - Request for TRO \(DRAFT WATERMARK\).pdf](#)

A draft is attached.

Regards,
Sabrina



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From: Douglas A. Daniels <doug.daniels@dtlawyers.com>
Sent: Monday, January 11, 2021 9:38 AM
To: Melena Siebert <MSiebert@bopplaw.com>; James Bopp Jr <jboppjr@aol.com>
Cc: Sabrina R. Tour <sabrina@dtlawyers.com>; bca@akersfirm.com; Kasia Olkowski <kasia@dtlawyers.com>; RMJacobs@venable.com; Sara Bean <sara@dtlawyers.com>; cjclimo@venable.com; Courtney Milbank <cmilbank@bopplaw.com>; Jeffrey Gallant <jgallant@bopplaw.com>; Rob Citak <rcitak@bopplaw.com>
Subject: Re: Eshelman - Motion for Leave and Application for TRO/PI

Being on a plane or in a deposition does not preclude Mr. Bopp, or you, or any of the several lawyers

from your firm who have appeared in this case, from answering my simple question: Are you and your firm prepared to return the \$500,000 you received from True the Vote following Mr. Eshelman's conditional donation, and to provide a detailed accounting for so much of those funds you contend was legitimately earned? If yes, then please do so immediately. If not, then there is nothing else to confer about.



Douglas A. Daniels
Partner | Daniels & Tredennick PLLC
6363 Woodway Dr., Suite 700, Houston, Texas 77057
P: [713.917.0024](tel:713.917.0024) | C: [713.705.0690](tel:713.705.0690)

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From: Melena Siebert <MSiebert@bopplaw.com>

Date: Monday, January 11, 2021 at 9:20 AM

To: Doug Daniels <doug.daniels@dtlawyers.com>, James Bopp Jr <jboppjr@aol.com>

Cc: Sabrina Tour <sabrina@dtlawyers.com>, "bca@akersfirm.com" <bca@akersfirm.com>,

Kasia Olkowski <kasia@dtlawyers.com>, "RMJacobs@venable.com"

<RMJacobs@venable.com>, Sara Bean <sara@dtlawyers.com>, "cjclimo@venable.com"

<cjclimo@venable.com>, Courtney Milbank <cmilbank@bopplaw.com>, Jeffrey Gallant

<jgallant@bopplaw.com>, Rob Citak <rcitak@bopplaw.com>

Subject: RE: Eshelman - Motion for Leave and Application for TRO/PI

CAUTION: EXTERNAL EMAIL

Dear Mr. Daniels,

Mr. Bopp is currently on a plane and has responsibilities connected to a deposition in another matter scheduled for today and tomorrow. As he has made clear, he is more than willing to conference with you on Wednesday to discuss if at least partial resolution can be reached. We request that if you file anything with the Court which requires a certificate of compliance that you attach to that filing all email threads, including this one, in which there has been communication among counsel on this issue of conference.

Regards,

Melena S. Siebert

Associate Attorney

THE BOPP LAW FIRM, PC | www.bopplaw.com

The National Building | 1 South 6th Street | Terre Haute, Indiana 47807

voice: (812) 232-2434, ext. 30 | fax: (812) 235-3685
cell: (513) 237-6707 | msiebert@bopplaw.com

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From: Douglas A. Daniels [<mailto:doug.daniels@dtlawyers.com>]

Sent: Monday, January 11, 2021 10:09 AM

To: James Bopp Jr

Cc: Sabrina R. Tour; bca@akersfirm.com; Kasia Olkowski; RMJacobs@venable.com; Sara Bean; cyclimo@venable.com; Melena Siebert; Courtney Milbank; Jeffrey Gallant; Rob Citak

Subject: Re: Eshelman - Motion for Leave and Application for TRO/PI

Unless you and your firm are willing to return to Mr. Eshelman the entire \$500K you received, or so much of it that cannot be accounted for as having been legitimately earned, then you are opposed to the relief we seek. If you are prepared to discuss that, then we should talk immediately.

Douglas A. Daniels
Daniels & Tredennick, LLP



Douglas A. Daniels
Partner | Daniels & Tredennick PLLC
6363 Woodway Dr., Suite 700, Houston, Texas 77057
P: [713.917.0024](tel:713.917.0024) | C: [713.705.0690](tel:713.705.0690)

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On Jan 11, 2021, at 9:04 AM, James Bopp Jr <jboppjr@aol.com> wrote:

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We request that you attach our email to your motion so that the court can see that at least we were attempting in good faith to comply with the Court's rules.

Furthermore we object to your characterization of our email as "opposition." There very well could be issues that could be resolved and not require Court resolution if we had a conference.

And in the future please extend to us the courtesy of copying all counsel.

Jim Bopp

On Monday, January 11, 2021 Douglas A. Daniels <doug.daniels@dtlawyers.com> wrote:

Incorrect. We will consider this your “conference” and your indication of your opposition. We have no intention of waiting on your next convenient time to have a phone conversation while you and your firm continue to hold and, presumably, dissipate Mr. Eshelman’s funds.

Douglas A. Daniels

Daniels & Tredennick, LLP

- Douglas A. Daniels
- Partner | Daniels & Tredennick PLLC
- 6363 Woodway Dr., Suite 700, Houston, Texas 77057
- P: 713.917.0024 | C: [713.705.0690](tel:713.705.0690)
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On Jan 11, 2021, at 6:55 AM, James Bopp Jr <jboppjr@aol.com> wrote:

CAUTION: EXTERNAL EMAIL

Sabrina,

I am in receipt of your email.

As I understand the local rules and the Judge's order, a "conference" is required, not an email exchange.

As you are aware from my Friday email to you and the Court, I am not available today or tomorrow. I am shortly leaving home to travel to Jacksonville and upon arrival will be conferencing with my client to prepare him for a deposition. The deposition is on Tues morning and then I will be traveling home, arriving in the evening.

I was available on Friday, as I also notified you and the Court, if you had been interested in making even a modest attempt to comply with the Court's rules and had requested a conference, which I could have accommodated then.

I am available, however, Wed, Thurs or Friday of this week for a phone conference with you and other counsel regarding the matters you might raise in your motions. Please propose several dates and times so that this conference can be scheduled.

In preparation for the conference, please also provide drafts of your proposed motions, as I note that you may have had to edit one or more of them for compliance with the Court rules on word limits. This will enable me to discuss with co-counsel and clients how we might resolve what issues you raise in your motions.

We will be prepared to discuss in good faith during the forthcoming conference how the concerns you raise in your proposed motions can be addressed or resolved. Jim

James Bopp, Jr.

Attorney

The Bopp Law Firm, PC | www.bopplaw.com

The National Building | 1 South 6th Street | Terre Haute, IN 47807

voice: (812) 232-2434 ext. 22 | fax: (812) 235-3685 | cell: (812) 243-0825 | jboppjr@aol.com

Sent from [AOL Desktop](#)

In a message dated 1/9/2021 5:24:08 PM US Eastern Standard Time, sabrina@dtlawyers.com writes:

Brock and Jim,

According to the Court's recent Order, we are re-filing our (A) Motion to Seal and (B) Application for TRO/PI. In order to satisfy our meet and confer obligation, I am contacting you here.

1. **Motion for Leave to File Under Seal:** We are including in our Motion for Leave the below 3 categories of documents for the court to seal/redact. For each category (or subcategory) please let me know your position as to our requesting these be redacted/sealed.

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ii. We do not believe the fact that there was \$30,000 payment, \$500,000 payment, and \$750,000 payment is confidential information, so we will not be asking for these amounts to be redacted.

b. Exhibits using documents TTV marked as confidential:
Four of our exhibits are marked as Confidential by TTV.

i. TTV001 – TTV's

Partial List of Disbursements

1. Brock, it is our position this is not confidential as there are no account numbers or SSNs or anything that like that. But TTV marked this document as confidential. As we do not find any reason for these to be confidential, we will make note of same in our Motion to Seal, but we will inform the court of whether you'd still like for this document to be sealed since this is your documents. Please let me know.

ii. TTV's Wells Fargo Account Records

1. We believe these are confidential given that they include account numbers. Please let me know if you are in agreement.

iii. Two invoices from OPSEC to TTV (p. TTV 0058, 0060)

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- a. As you saw yesterday, we are filing an Application for TRO and PI to enjoin the Defendants from using the portion of the Eshelman Funds they've received, and to freeze the bank accounts for the amounts of the Eshelman Funds they have received. For certificate of conference purposes, please let me know if you are in agreement with our Application for TRO/PI.

Thank you for your cooperation.

Regards,

Sabrina

— Sabrina R. Tour
Associate | Daniels & Tredennick PLLC
— 6363 Woodway Dr., Suite 700, Houston, Texas 77057
— P: 713.917.0024 | D: 713.275.9159
— **Attorneys licensed in TX, AR, CA, CO, OK, MO, NE, NY**

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<image931959.png>
<image121517.png>

<image572753.png>
<image045568.png>

From: [Melena Siebert](#)
To: [Douglas A. Daniels](#); [James Bopp Jr](#)
Cc: [Sabrina R. Tour](#); [bca@akersfirm.com](#); [Kasia Olkowski](#); [RMJacobs@venable.com](#); [Sara Bean](#); [cjclimo@venable.com](#); [Courtney Milbank](#); [Jeffrey Gallant](#); [Rob Citak](#)
Subject: RE: Eshelman - Motion for Leave and Application for TRO/PI
Date: Monday, January 11, 2021 10:10:19 AM
Attachments: [image017.png](#)
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[image041.png](#)

CAUTION: EXTERNAL EMAIL

Mr. Daniels,

No. We are saying that your firm's actions have not complied with the court's rules regarding "serious, timely, good faith efforts to seek agreement on all disputed matters and requests for relief." See Judge Eskridge Court Procedures, Rule 17a. Your firm has refused to give our firm adequate time to confer with all Defendants and with you, and to consider ourselves whether The Bopp Law Firm, PC can at least reach a partial resolution or not.

We are asking again, that if you insist on filing with the Court, you include this, as well as all other email threads regarding this issue of conference with any filing including a certificate of compliance.

Regards,

Melena

From: Douglas A. Daniels [mailto:doug.daniels@dtlawyers.com]
Sent: Monday, January 11, 2021 11:00 AM
To: Melena Siebert; James Bopp Jr
Cc: Sabrina R. Tour; [bca@akersfirm.com](#); [Kasia Olkowski](#); [RMJacobs@venable.com](#); [Sara Bean](#); [cjclimo@venable.com](#); Courtney Milbank; Jeffrey Gallant; Rob Citak
Subject: Re: Eshelman - Motion for Leave and Application for TRO/PI

Which is to say, you are not currently prepared to agree to our relief at this time. In other words, you are opposed, at least for now. We will notify the Court accordingly.

Douglas A. Daniels
Partner | Daniels & Tredennick PLLC
6363 Woodway Dr., Suite 700, Houston, Texas 77057



P: [713.917.0024](#) | C: [713.705.0690](#)

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Date: Monday, January 11, 2021 at 9:53 AM

To: Doug Daniels <doug.daniels@dtlawyers.com>, James Bopp Jr <jboppjr@aol.com>

Cc: Sabrina Tour <sabrina@dtlawyers.com>, "bca@akersfirm.com" <bca@akersfirm.com>, Kasia Olkowski <kasia@dtlawyers.com>, "RMJacobs@venable.com"

<RMJacobs@venable.com>, Sara Bean <sara@dtlawyers.com>, "cjclimo@venable.com" <cjclimo@venable.com>, Courtney Milbank <cmilbank@bopplaw.com>, Jeffrey Gallant <JGallant@bopplaw.com>, Rob Citak <rcitak@bopplaw.com>

Subject: RE: Eshelman - Motion for Leave and Application for TRO/PI

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Mr. Daniels,

To be clear, it is not that Mr. Bopp is unavailable for a few hours but for two days. Mr. Bopp is the owner of the firm, and he is responsible for consideration of your question and whether any agreement thereto can be reached. This is the first time the Plaintiff has asked Mr. Bopp and The Bopp Law Firm, PC for money back, so Mr. Bopp has not considered the question yet. Any agreement the firm would make also requires discussion with other Defendants and other Defense counsel. Ms. Engelbrecht is currently hiking on a mountain in Arizona and is not predictably available, so discussion with other Defendants is difficult until her return. Given Mr. Bopp's unavailability for two days and Ms. Engelbrecht's unpredictable availability, a conference within the Court's meaning has not happened, and cannot happen before Wednesday.

It is our position that your dilatoriness and failure to comply with court rules that has lead to this situation that you knew would arise today, not ours.

Again, we expect all of the communications regarding this conference to be included in any filing to the Court which includes the required certificate of compliance.

Regards,

Melena

From: Douglas A. Daniels [mailto:doug.daniels@dtlawyers.com]
Sent: Monday, January 11, 2021 10:38 AM
To: Melena Siebert; James Bopp Jr
Cc: Sabrina R. Tour; bca@akersfirm.com; RMJacobs@venable.com; Sara Bean; cjclimo@venable.com; Courtney Milbank; Jeffrey Gallant; Rob Citak
Subject: Re: Eshelman - Motion for Leave and Application for TRO/PI

Being on a plane or in a deposition does not preclude Mr. Bopp, or you, or any of the several lawyers from your firm who have appeared in this case, from answering my simple question: Are you and your firm prepared to return the \$500,000 you received from True the Vote following Mr. Eshelman's conditional donation, and to provide a detailed accounting for so much of those funds you contend was legitimately earned? If yes, then please do so immediately. If not, then there is nothing else to confer about.



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Cc: Sabrina Tour <sabrina@dtlawyers.com>, "bca@akersfirm.com" <bca@akersfirm.com>, Kasia Olkowski <kasia@dtlawyers.com>, "RMJacobs@venable.com" <RMJacobs@venable.com>, Sara Bean <sara@dtlawyers.com>, "cjclimo@venable.com" <cjclimo@venable.com>, Courtney Milbank <cmilbank@bopplaw.com>, Jeffrey Gallant <jgallant@bopplaw.com>, Rob Citak <rcitak@bopplaw.com>
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CAUTION: EXTERNAL EMAIL

Dear Mr. Daniels,

Mr. Bopp is currently on a plane and has responsibilities connected to a deposition in another matter scheduled for today and tomorrow. As he has made clear, he is more than willing to conference with you on Wednesday to discuss if at least partial resolution can be reached. We request that if you file anything with the Court which requires a certificate of compliance that you attach to that filing all email threads, including this one, in which there has been communication among counsel on this

issue of conference.

Regards,

Melena S. Siebert

Associate Attorney

THE BOPP LAW FIRM, PC | www.bopplaw.com

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From: Douglas A. Daniels [mailto:doug.daniels@dtlawyers.com]

Sent: Monday, January 11, 2021 10:09 AM

To: James Bopp Jr

Cc: Sabrina R. Tour; bca@akersfirm.com; Kasia Olkowski; RMJacobs@venable.com; Sara Bean; cjclimo@venable.com; Melena Siebert; Courtney Milbank; Jeffrey Gallant; Rob Citak

Subject: Re: Eshelman - Motion for Leave and Application for TRO/PI

Unless you and your firm are willing to return to Mr. Eshelman the entire \$500K you received, or so much of it that cannot be accounted for as having been legitimately earned, then you are opposed to the relief we seek. If you are prepared to discuss that, then we should talk immediately.

Douglas A. Daniels
Daniels & Tredennick, LLP



Douglas A. Daniels
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Attorneys licensed in TX, AR, CA, CO, OK, MO, NE, NY



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On Jan 11, 2021, at 9:04 AM, James Bopp Jr <jboppjr@aol.com> wrote:

CAUTION: EXTERNAL EMAIL

We request that you attach our email to your motion so that the court can see that at least we were attempting in good faith to comply with the Court's rules.

Furthermore we object to your characterization of our email as "opposition." There very well could be issues that could be resolved and not require Court resolution if we had a conference.

And in the future please extend to us the courtesy of copying all counsel.

Jim Bopp

On Monday, January 11, 2021 Douglas A. Daniels <doug.daniels@dtlawyers.com> wrote:

Incorrect. We will consider this your "conference" and your indication of your opposition. We have no intention of waiting on your next convenient time to have a phone conversation while you and your firm continue to hold and, presumably, dissipate Mr. Eshelman's funds.

Douglas A. Daniels
Daniels & Tredennick, LLP

- Douglas A. Daniels
- Partner | Daniels & Tredennick PLLC
- 6363 Woodway Dr., Suite 700, Houston, Texas 77057
- P: 713.917.0024 | C: [713.705.0690](tel:713.705.0690)
- Attorneys licensed in TX, AR, CA, CO, OK, MO, NE, NY**

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On Jan 11, 2021, at 6:55 AM, James Bopp Jr <jboppjr@aol.com>

wrote:

CAUTION: EXTERNAL EMAIL

Sabrina,

I am in receipt of your email.

As I understand the local rules and the Judge's order, a "conference" is required, not an email exchange.

As you are aware from my Friday email to you and the Court, I am not available today or tomorrow. I am shortly leaving home to travel to Jacksonville and upon arrival will be conferencing with my client to prepare him for a deposition. The deposition is on Tues morning and then I will be traveling home, arriving in the evening.

I was available on Friday, as I also notified you and the Court, if you had been interested in making even a modest attempt to comply with the Court's rules and had requested a conference, which I could have accommodated then.

I am available, however, Wed, Thurs or Friday of this week for a phone conference with you and other counsel regarding the matters you might raise in your motions. Please propose several dates and times so that this conference can be scheduled.

In preparation for the conference, please also provide drafts of your proposed motions, as I note that you may have had to edit one or more of them for compliance with the Court rules on word limits. This will enable me to discuss with co-counsel and clients how we might resolve what issues you raise in your motions.

We will be prepared to discuss in good faith during the forthcoming conference how the concerns you raise in your proposed motions can be addressed or resolved. Jim

James Bopp, Jr.

Attorney

The Bopp Law Firm, PC | www.bopplaw.com

The National Building | 1 South 6th Street | Terre Haute, IN 47807

voice: (812) 232-2434 ext. 22 | fax: (812) 235-3685 | cell: (812) 243-0825 | jboppjr@aol.com

Sent from [AOL Desktop](#)

In a message dated 1/9/2021 5:24:08 PM US Eastern Standard Time, sabrina@dtlawyers.com writes:

Brock and Jim,

According to the Court's recent Order, we are re-filing our (A) Motion to Seal and (B) Application for TRO/PI. In order to satisfy our meet and confer obligation, I am contacting you here.

1. **Motion for Leave to File Under Seal:** We are including in our Motion for Leave the below 3 categories of documents for the court to seal/redact. For each category (or subcategory) please let me know your position as to our requesting these be redacted/sealed.

a. Application for TRO/PI

i. We are revising from yesterday's version to delete the bank account numbers and wire SRF numbers. But, there is a reference to TTV's bank account balance of \$ [REDACTED] as of 12/28. We think this *may* be confidential, and want to ask you your position, Brock, since this was derived from TTV's Wells Fargo documents that were marked as confidential. We intend to ask the Court to allow a redacted version blacking out the \$ [REDACTED] amount to be filed on the public record, with the unredacted version sealed.

ii. We do not believe the fact that there was \$30,000 payment, \$500,000 payment, and \$750,000 payment is

confidential information, so we will not be asking for these amounts to be redacted.

- b. Exhibits using documents TTV marked as confidential:
Four of our exhibits are marked as Confidential by TTV.

i. TTV001 – TTV's Partial List of Disbursements

1. Brock, it is our position this is not confidential as there are no account numbers or SSNs or anything that like that. But TTV marked this document as confidential. As we do not find any reason for these to be confidential, we will make note of same in our Motion to Seal, but we will inform the court of whether you'd still like for this document to be sealed since this is your documents. Please let me know.

ii. TTV's Wells Fargo Account Records

1. We believe these are confidential given that they include account numbers. Please let me know if you are in agreement.

iii. Two invoices from OPSEC to TTV (p. TTV 0058, 0060)

1. Brock - It is our position that these are not properly marked as confidential as they don't include identifying bank account numbers. But TTV marked these as confidential. As we do not find any reason for these to be confidential, we will make note of same in our motion, but we will inform the court of whether you'd still like for these to be sealed since these are your documents. Please let me know.

- c. The Proposed Order on the Application for TRO/PI

i. This includes bank account numbers, SRF numbers and other such wire numbers. We believe this information is confidential. We would like your input as well (as the account numbers and wire numbers are derived from TTV's WF documents marked as confidential and may be identifying or lead to a risk of identity theft).

ii. We do not believe the fact that there are \$500,000, \$30,000, and \$750,000 amounts referenced in the Order is confidential information, so we will not be asking for this information to be redacted.

2. **The Application for TRO/PI**

- a. As you saw yesterday, we are filing an Application for TRO and PI to enjoin the Defendants from using the portion of the Eshelman Funds they've received, and to freeze the bank accounts for the amounts of the Eshelman Funds they have received. For certificate of conference purposes, please let me know if you are in agreement with our Application for TRO/PI.

Thank you for your cooperation.

Regards,

Sabrina

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